

NEW HAMPSHIRE STATE BUILDING CODE REVIEW BOARD

Minutes of Meeting

April 11, 2003

Attendance:

Senator Bob Clegg, Chairman, designee for the Department of Safety
William Smagula, PE, Board of Engineers, licensed mechanical engineer
Tom Lambert, Chief, Municipal Fire Chief, NH Association of Fire Chiefs
Med Kopczynski, Assistant City Manager Keene, NH Municipal Association
Richard Swain, NH Plumbing & Mechanical Contractors Association
Ken Andrews, NH Building Officials Assoc., municipal building official
Tyler Carlisle, Board of Engineers, licensed electrical engineer
Jerry Tepe, Board of Architects, licensed architect
Tedd Evans, Board for licensing and regulation of plumbers, licensed master plumber
Joseph Landers, residential building contractor, NH Home Builders Association
Wes Golomb, State energy conservation code office
Michael Santa, Committee on Architectural Barrier, Governor's Commission on Disability

With a quorum of the Board present, Chairman Clegg so declared and called the meeting to order. Notice of the public hearing / meeting was posted at the Department of Safety and State House, the State Fire Academy, and the Manchester Union Leader and the Legislative Office Building a minimum of 2 weeks prior to scheduled meeting date.

Special Notice:

Chairman Clegg introduced two guests in attendance at this Board meeting; Representative Peter Goyette and Representative Lars Christensen. A special "Welcome" to our honored guests.

Adoption of Minutes from 3/14/03 meeting:

Motion was made by Ken Andrews to accept. **Seconded** by Wes Golomb.

Discussion:

Tedd Evans had concern that a portion had been omitted from the minutes and tape. On page 13. . . it had to do with the amendments dealing with violations which were f and g. And then there was an end of tape. Then a motion regarding future vents letter S. So there is a gap. Chairman Clegg stated that we need to go thru the tape to find the missing section. Ken Andrews asked Tedd to be specific on what the Plumbers Board concerns are, and what's missing. Tedd stated that H I J K L M N O P Q and R, 12 or 13 or these proposed amendments of which we have no record of the vote. They were all from Exhibit 3.

On page 13 it was not Med who made the Motion it was Ken.

Chairman Clegg stated that we will now go over Exhibit 3 - so that there is no confusion.

A - we left that alone

B - there was some language struck out - the Motion was passed to leave that stuck out language in . . .

C - we deleted the additional language approved by ordinance kept on file - we deleted all that new language
D - we left it as it was proposed
E - there was a whole set of struck language that use to be section E, we didn't do anything to that
F - we added the words 'subject to the penalty', and we took out 'misdemeanor pursuant to' and we said 'subject to the penalties RSA 155-A, and RSA 329-A:18'
G - again, we did the same thing, 'subject to the penalties and provisions of RSA 155-A:18 and 329-A:18 (I)'
H - we left it as recommended
I - we struck the amendments
J - we struck the amendments
K - we struck the amendments
L - we struck out the restrictions on water pipe and left all those in.
M - we did the exact same thing
N - we left as requested
O - we left as requested
P - we left as requested
Q - we left as requested
R - we took millimeters out
S - we struck out the amendment - the new language
T - we struck out the new language

Chairman Clegg: Does everybody agree?

Body: (Body agreed).

Chairman Clegg: We have a **Motion** on the floor. And its open for amendments, corrections, or additions.

Rick Swain: I make the **Motion** to amend the minutes to reflect the changes and clarifications as stated.

Wes Golomb: **Seconded.**

Chairman Clegg: All those in favor?

Body: Aye (unanimous)

Chairman Clegg: Opposed?

Body: (none)

Chairman Clegg: Any other changes? On page 13 - the original motion was by Ken Andrews not Med. Any other additions or corrections?

?: On page 13, Rick Swain's, it should be vents rather than events.

Rick Swain: Yes that is correct.

Ken Andrews: I make the **Motion** to amend the amendments as noted on page 13.

Chairman Clegg: **Seconded** by Wes Golomb. All those in favor.

Body: Aye (unanimous)

Chairman Clegg: All those in favor of the minutes as amended say Aye.

Body: Aye (unanimous)

Chairman Clegg: Opposed?

Body: (none)

Tedd Evans: I would like to make a **Motion** that these amendments to the Plumbing Code portion of the State Building Code be posted on the web-site.

Chairman Clegg: You do not have to do that - we will do that.

Tedd Evans: I withdraw that **Motion**.

Chairman Clegg: All the changes we make, will be up on the site, and approval of what we did today to make sure everybody was in agreement. They will be up there as soon as they can get them in.

Old Business:

Chairman Clegg: Asked for a report from the sub-committee.

Ken Andrews, Chairman for the sub-committee stated no report at this time.

Discussion:

Tedd Evans pointed out that there are several printings of these Code books. Need to decide which printing of them, is going to be reviewed. **Ken Andrews** asked **Marta Modigliani** if this Committee is bound by whichever printing was available at the adoption at State level, and what about subsequent printings, or just use most recent. **Marta** stated that the State Building Code says it has be the 2000 Edition. **Tyler Carlisle** stated that the sub-committee might want to consider using Tentative Interim Amendments (TIA's) to correct mistakes. **Med Kopczynski** also stated that the ones he has seen have been misprints, number transpositions, etc. **Tedd Evans** pointed out that the 4th printing of the International Plumbing Code, makes a reference that the 2000 International Plumbing Code does not pertain to one and two family dwellings. And that one and two family dwellings, gets referred to the International Residential Code. This is something the Plumbers Board did not address, and feels it is something this Board is going to have to address, because that Code clearly does apply to one and two family dwellings. This Committee should be amending that Code to eliminate the reference to the IRC. **Chairman Clegg** suggested the sub-committee use the original printing, taking into consideration the errata that are just common sense because of misprints . . . and work from there. But if a situation comes up, then it needs to be brought before the Board right away. **Chairman Clegg** stated he will get a ruling from the AG's office. **Tedd Evans** wanted to re-iterate the need to make sure that the sub-committee is looking at *the most current printing*, so that all these references can be properly identified. **Joe Landers** stated that the IRC does fall in line and is required to be used the modular community in this state. So all modular homes are IRC based. **Chairman Clegg** stated that comes in under the Fire Code. Modular buildings are part of the State Fire Code, and is controlled by the State's Fire Marshal's office. **Joe Landers** asked if there was a reference of plumbing being referenced in IRC for residential, what does that matter if this Board has no purview of residential construction. **Chairman Clegg** stated that because not every place has IRC, number one, and while the State Plumbing Board has to come before this Committee for its Codes, if we've got a Code that says that the International Plumbing Code doesn't include residential, its easier for them to come here than it is to go through a JLCAR proceeding which is going to take them 6 to 8 months just to clarify that the State Plumbing Code is legitimate in one and two family homes. This Committee

can't make changes to the IRC in this Body, but can make changes to the Plumbing Code that says that this Code and the errata sheets, says that this Code no longer is subject to one and two family because that's the Code this entire Body works off of. So we do not have to accept that errata. We can keep the Code as it was originally adopted if we so choose. **Tedd Evans** to clarify that RSA 329 A, regulates plumbing code in all single family one and two family dwelling units. The new law did not repeal that. The Code language should reflect the same thing, and not be in contradiction with the law. **Chairman Clegg** stated this Board can't deal with IRC, but can deal with any Code that talks about IRC, and JLCAR is going to look to this Body for an opinion before it allows anything to go through. They look to this Committee because of the expertise that sits on it to let them know whether or not it's a good deal or a bad deal.

Exhibits 4, 6 and 7. Legal counsel stated you might as well leave the numbers on them for references, and not re-use the numbers so there's no running confusion.

Jerry Tepe as the Board member who submitted **Exhibit #4**, formally withdrew his **Exhibit**. The reason is because the sub-committee appointed is addressing the same items.

Chairman Clegg: Thank you.

New Business:

Minutes: According to the legal counsel memo, it talks about how the minutes should be done. The Public portion should be verbatim. The only portion to be done verbatim will be the portions where this Committee has legal issues, actually making some changes to the Code. Joe Landers made a **Motion** to make the minutes brief instead of verbatim, unless there is some change to be made to the Code. **Seconded** by Jerry Tepe. Vote was unanimous.

Governor's Budget: Discussion ensued concerning the one position that handles Modular construction in this state is being eliminated. What happens to modular construction over-sight issuing of labels, approvals, over-seeing third party agencies that come in and inspect units in the plants and that sort of thing. **Chairman Clegg** stated that as he understands it, the person who is in the position now, only spends about 35 to 40% of their time on modular and that is stretching it. The work load is light, and the person spends more time reviewing plans in other areas then they do in modular. Modular will still have over-sight. **Chairman Clegg** stated that the Commissioner would be glad to listen to any position to support keeping this as a full-time position in Fire Safety.

Other Business:

There being no further items for discussion, **Motion** was made by Ken Andrews and **Seconded** by Rick Swain to adjourn. Vote was unanimous.

Next Meeting:

The next few meetings will be as follows:

May 9, June 13, July 11, August 8, September 12 and October 10.